

**Testimony by Paul F. Welday on behalf of the Michigan
Responsibility Council to the Michigan House Judiciary Committee
May 7, 2015**

Thank you Mr. Chairman and honorable members of the Committee. I appreciate the opportunity to provide testimony this morning.

My name is Paul Welday and I am here representing the Michigan Responsibility Council. The MRC is a not-for-profit entity based – as the name would imply – here in Michigan with the purpose of examining public policy options with regard to marijuana.

We believe that of paramount concern to this committee in accordance with the voter-approved Michigan Medical Marijuana Act of 2008 should be public safety with an emphasis on quality assurance, product uniformity and reliability of testing and certification of the product offered for sale.

Given the state of confusion that has permeated the medical marijuana system in this state since passage of the initiated referendum, HB 4209 and HB 4210 make great strides in attempting to provide some degree of structure to a system that has fallen far short of expectations.

We agree with the legislative finding that there is a necessity for access to safe sources of marijuana for medical use and that the need exists to support the promulgation of emergency rules.

However, we believe that there is a fundamental flaw in the underlying public act that creates a system where “safe sources of marijuana” is almost an oxymoron when the supply is generated by thousands of individual caregivers who are virtually impossible to regulate with certainty. Nevertheless, what is proposed here is better than what exists today.

Yet, while we applaud the sponsors of this legislation for making great strides, the Michigan Responsibility Council’s greatest concern about this legislation is an issue that is not addressed here. And that is the multitude of locations across this state where marijuana is being grown and cultivated free from virtually any meaningful regulation or oversight.

Dispensaries or “provisioning centers” as they are now known have been declared a public nuisance in this state. The work you are doing with this legislation will go a long way to correct that.

However, the real public nuisance or, I dare say, public hazard is the thousands of illicit marijuana growing locations that have popped up across Michigan.

This problem has become so acute that Warren Mayor Jim Fouts has called for a “fresh air ordinance” in his city to limit the locations and hours where and when marijuana can be grown. Mayor Fouts is insisting on ventilation systems to prevent the pungent odors associated with growing marijuana. And he wants those facilities inspected.

Mayor Fouts understands that neighborhoods are not the place to be growing marijuana. But that is what is happening currently and nothing in HB 4209 addresses that problem.

The Michigan Responsibility Council believes addressing the creation of the supply is as significant as facilitating the demand for marijuana and should be part of any future plan.

The proposed legislation is to be applauded for insisting on the 1,000 foot limit between a provisioning center and a primary or secondary school.

However, we believe that this provision does not go far enough. We would encourage the committee to consider placing limits on the siting of provisioning centers – or retail outlets as they are – to no closer than 1,000 feet of a house of worship, a public library, a licensed day care center or public playground.

Finally, we want to commend this legislation for having incorporated the state in the licensing process. Local governments should – and do have under this bill – have the power to exercise zoning and site approval. However, empowering people to distribute marijuana under any conditions or circumstances requires special oversight and that is rightfully the purview of the state.

All in all, the MRC applauds the work of the sponsors, this committee and the legislature to taking up this bill. Marijuana policy is changing and it is changing fast. While there is a whole host of issues not addressed in either of these bills, they are a step in the right direction and we would encourage your support.

Again, thank you for allowing me to address the committee this morning.